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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,045	09/24/2003	James R. Hawkinson	165.001US01	5025

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EXAMINER

DUNWOODY, AARON M

ART UNIT PAPER NUMBER

3679

DATE MAILED: 11/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/670,045

Applicant(s)

HAWKINSON ET AL.

Examiner

Aaron M Dunwoody

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings were received on 9/16/2004. These drawings are approved.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3-9 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 5971444, Hawkins.

In regards to claim 1, Hawkins discloses a tank fitting comprising:

a coupling (12) comprising:

a flange (20) disposed between a first end and a second end of the coupling;

external threads (26) disposed between the flange and the first end; and

a male-end region (22) adjacent the second end adapted (capable of) to be received within a fitting or a pipe;

a gasket (16, 18) disposed on the coupling between the flange and the first end of the coupling so as to abut the flange; and

a nut (14) threadably attachable to the external threads of the coupling.

In regards to claim 3, Hawkins discloses the coupling being a male/female coupling or a male/male coupling.

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In regards to claim 4, Hawkins discloses the coupling further comprising a female-end region adjacent the first end.

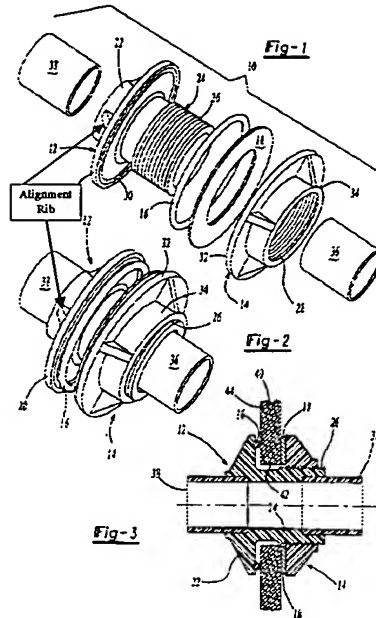
In regards to claim 5, Hawkins discloses the female-end region comprising first and second sockets respectively having different internal diameters.

In regards to claim 6, Hawkins discloses the coupling further comprising a stepped internal bore having first, second, and third diameters.

In regards to claim 7, Hawkins discloses the first and second diameters respectively defining first and second sockets of a female-end region adjacent the first end and the third diameter is an internal diameter of a male-end region adjacent the second end.

In regards to claim 8, Hawkins discloses the nut further comprising an annular groove (30).

In regards to claim 9, Hawkins discloses an alignment rib (see Figures 1 and 2 below) disposed on the coupling between the flange and the second end.



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 10-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins in view of US patent 2554622, Jones.

In regards to claim 2, Hawkins discloses the claimed invention except for the gasket having a hole and wherein the flange has a stud, the stud passing completely through the hole of the gasket. In Figure 5, Jones teaches a gasket (71) having a hole and wherein a flange (73) has a stud (74), the stud passing completely through the hole of the gasket to prevent the rotation of the gasket (col. 5, lines 31-41). It would have been obvious to one having ordinary skill in the art at the time the invention was made

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to provide a gasket with a hole and wherein a flange has a stud, the stud passing completely through the hole of the gasket to prevent the rotation of the gasket, as taught by Jones.

In regards to claim 10, Hawkins in view of Jones disclose a tank fitting comprising:

a longitudinal stepped internal bore passing through first and second ends of the tank fitting, the internal bore having first and second diameters respectively defining first and second sockets of a female-end region of the tank fitting adjacent the first end, the internal bore further having a third diameter that forms an internal diameter of a male-end region of the tank fitting adjacent the second end;

a flange disposed between the first and second ends;

external threads disposed between the flange and the first end;

a gasket disposed between the flange and the first end so as to abut the flange;

a stud protruding from a face of the flange toward the first end and passing completely through the gasket; and

a nut threadably attachable to the external threads.

In regards to claim 11, Hawkins in view of Jones disclose the nut further comprising an annular groove that aligns with the stud when the nut is threadably attached to the external threads.

In regards to claim 12, Hawkins in view of Jones disclose an alignment rib disposed on an exterior of tank fitting between the flange and the second end.

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In regards to claim 13, Hawkins in view of Jones disclose the alignment rib being located 180 degrees around the tank fitting from the stud.

In regards to claims 14-27, Hawkins in view of Jones disclose a method of attaching a tank fitting to a tank and a method of connecting a pipe fitting.

Response to Arguments

Applicant's arguments filed 9/16/2004 have been fully considered but they are not persuasive. The Applicant argues:

Hawkins does not include coupling having external threads disposed between a flange and the first end and a male-end region adjacent the second end adapted to be received within a fitting or a pipe and a nut that is threadably attachable to the external threads, as claim 1.

The Examiner disagrees. In Figures 1-6, Hawkins clearly illustrates a coupling having external threads disposed between a flange and the first end and a male-end region adjacent the second end adapted to be received within a fitting or a pipe and a nut that is threadably attachable to the external threads, as claim 1. Therefore, Hawkins meets the claim limitations.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re*

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Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, in Figure 5, *Jones* teaches a gasket (71) having a hole (72) and wherein a flange (73) has a stud (74), the stud passing completely through the hole of the gasket to prevent the rotation of the gasket (col. 5, lines 31-41). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a gasket with a hole and wherein a flange has a stud, the stud passing completely through the hole of the gasket to prevent the rotation of the gasket, as taught by *Jones*. Therefore, *Hawkins* in view of *Jones* meets the claim limitations.

The Applicant argues:

Hawkins does not include threading a nut of a tank fitting on external threads of a coupling of the tank fitting so that the nut engages an exterior surface of a tank so as to squeeze a gasket between a flange of the coupling and the interior surface of the tank, as in each of claims 14 and 20. Rather *Hawkins* threads a female member (a nut) 12 on external threads 26 of a male member 12 so that female member engages a second seal 18 (not an exterior surface of a tank, as in each of claims 14 and 20) to slightly compress a first seal 16 between a flange 20 of male member 20 and an exterior of a wall 40 (see Figure 3 and column 3, lines 7-16). Moreover, *Hawkins* in combination with *Jones* fails to overcome the deficiencies of *Hawkins* with respect to each of claims 14 and 20. That is, *Hawkins* in combination with *Jones* does not include or suggest threading a nut of a tank fitting on external threads of a coupling of the tank fitting so that the nut engages an exterior surface of a tank so as to squeeze a gasket between a flange of the coupling and the interior surface of the tank, as in each of claims 14 and 20. Therefore, claims 14 and 20 are allowable over *Hawkins* in view of *Jones*.

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The Examiner disagrees. Hawkins recites, "The second seal 18 can be a nylon washer, O-ring, or another suitable sealing material", such as an adhesive that be consider part of the tank/wall. Therefore, claims 14 and 20 are not allowable over Hawkins in view of Jones.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is 703-306-3436. The examiner can normally be reached on 7:30 am - 4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P Stodola can be reached on 703-306-5771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Aaron M Dunwoody
Examiner
Art Unit 3679

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